



APPLICATION ACCEPTED: November 30, 2011  
BOARD OF ZONING APPEALS: February 15, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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February 8, 2012

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-MV-103**

### **MOUNT VERNON DISTRICT**

**APPLICANT AND OWNERS:** Susan P. Deller  
William M. Deller

**SUBDIVISION:** Holland Court

**STREET ADDRESS:** 2806 Holland Court

**TAX MAP REFERENCE:** 102-1 ((43)) 0004

**LOT SIZE:** 10,935 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit within an existing dwelling.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-MV-103 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\vhomer\Special Permits\Deller ADU\SP 2011-deller Staff Report.doc*

*Rebecca Homer*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2011-MV-103

SUSAN P. DELLER & WILLIAM M. DELLER

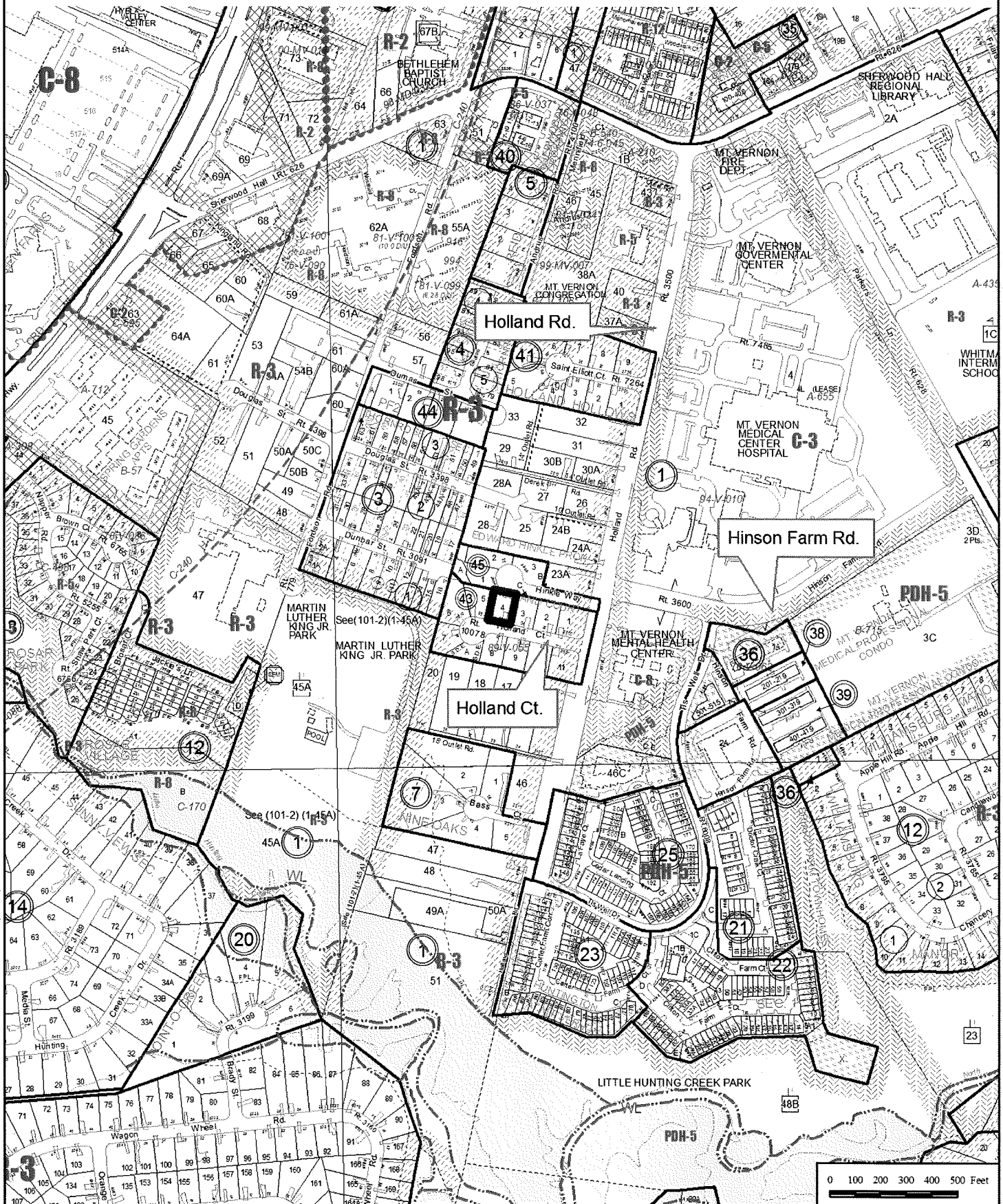


0 1,000 2,000 3,000 4,000 Feet

# Special Permit

SP 2011-MV-103

SUSAN P. DELLER & WILLIAM M. DELLER



NOTES:

1. TAX MAP 102-1-43-0004
2. PROPERTY SHOWN HEREON IS ZONED R-3 (RESIDENTIAL 3 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-3  
FRONT: 30'  
SIDE: 12'  
REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0405E EFFECTIVE DATE, SEPTEMBER 17, 2010.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY FOUND WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
8. FLOOR AREA:  

EXISTING GROSS FLOOR AREA HOUSE	2,654 SQ. FT.
PROPOSED GROSS FLOOR AREA BASEMENT	453 SQ. FT.
PROPOSED GROSS FLOOR AREA ACC. DWELL.	874 SQ. FT.
EXISTING GROSS FLOOR AREA OPEN PORCH	40 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	441 SQ. FT.
<b>PROPOSED FLOOR AREA</b>	<b>4,462 SQ. FT.</b>

PROPOSED FLOOR AREA RATIO: 0.40
9. APPROXIMATELY 6.1' OF THE 7.0' HEIGHT OF THE EXISTING FINISHED BASEMENT LIES BELOW THE GRADE PLANE. THEREFORE, 12.8% OF THE ACCESSORY DWELLING WILL BE ABOVE GRADE PLANE.
10. THE PROPOSED ACCESSORY DWELLING UNIT WILL TAKE UP 28% OF THE PRINCIPAL DWELLING UNIT.
11. REAR YARD:  

REAR YARD AREA:	3,622 SQ. FT.
REAR YARD COVERAGE:	1,603 SQ. FT. OR 44%

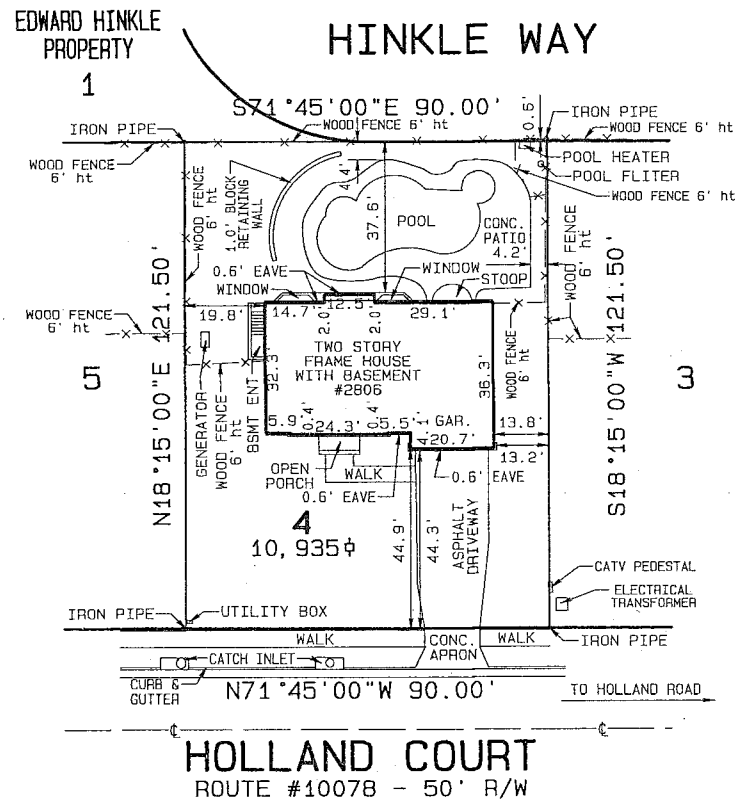
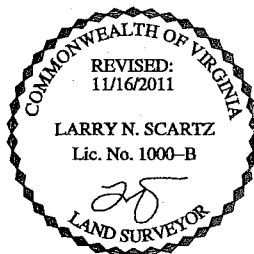
HEIGHT TABLE

HEIGHT OF HOUSE: 27.0'

RECEIVED  
Department of Planning & Zoning

NOV 29 2011

Zoning Evaluation Division



SPECIAL PERMIT PLAT

LOT 4

HOLLAND COURT SUBDIVISION

MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

DATE: SEPTEMBER 12, 2011

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY  
AND DO NOT CERTIFY AS TO OWNERSHIP.

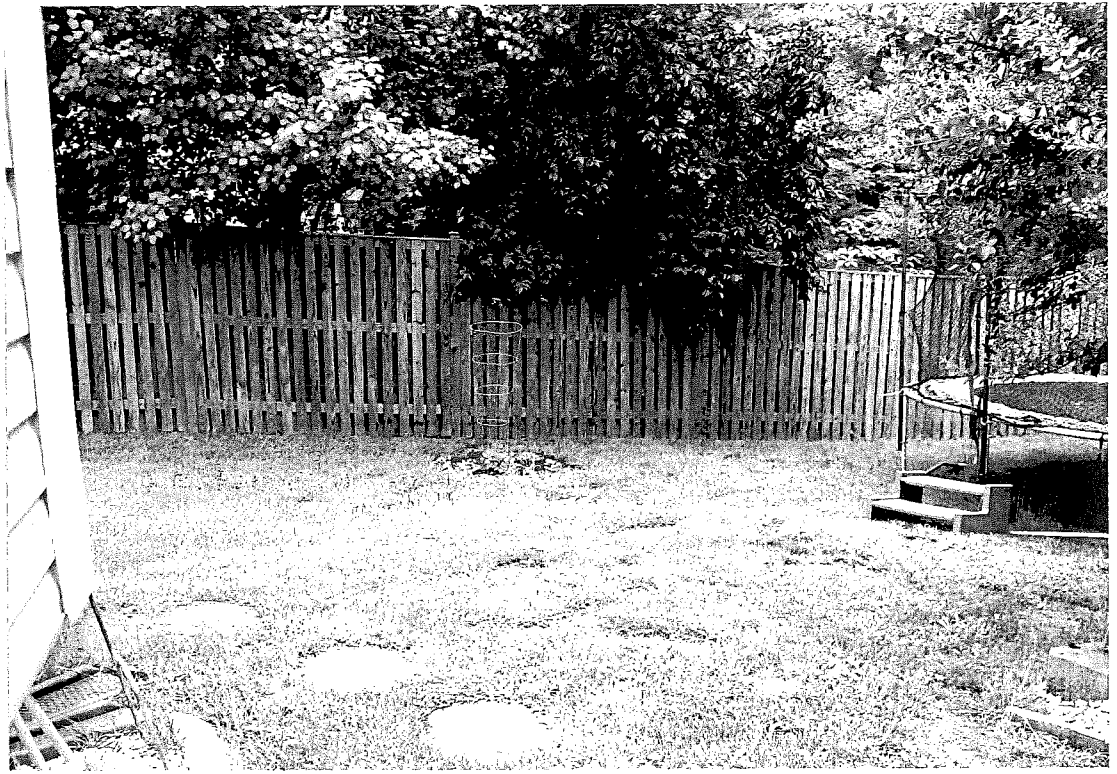
SCARTZ SURVEYS

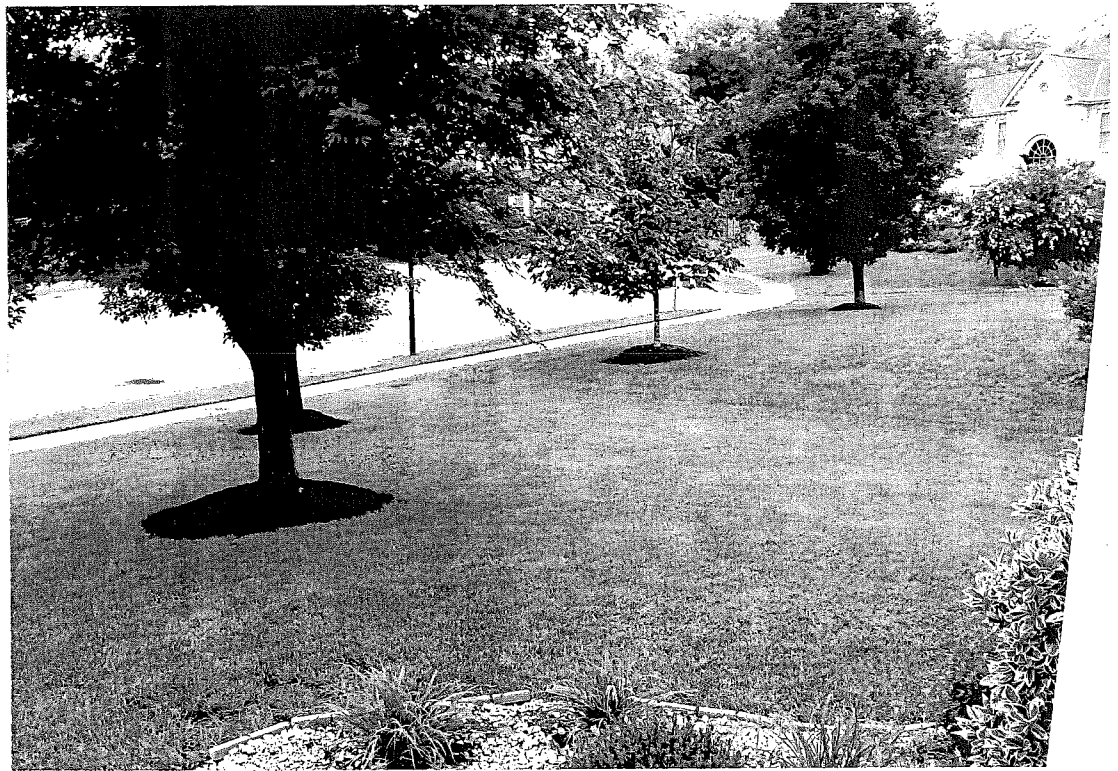
LARRY N. SCARTZ LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



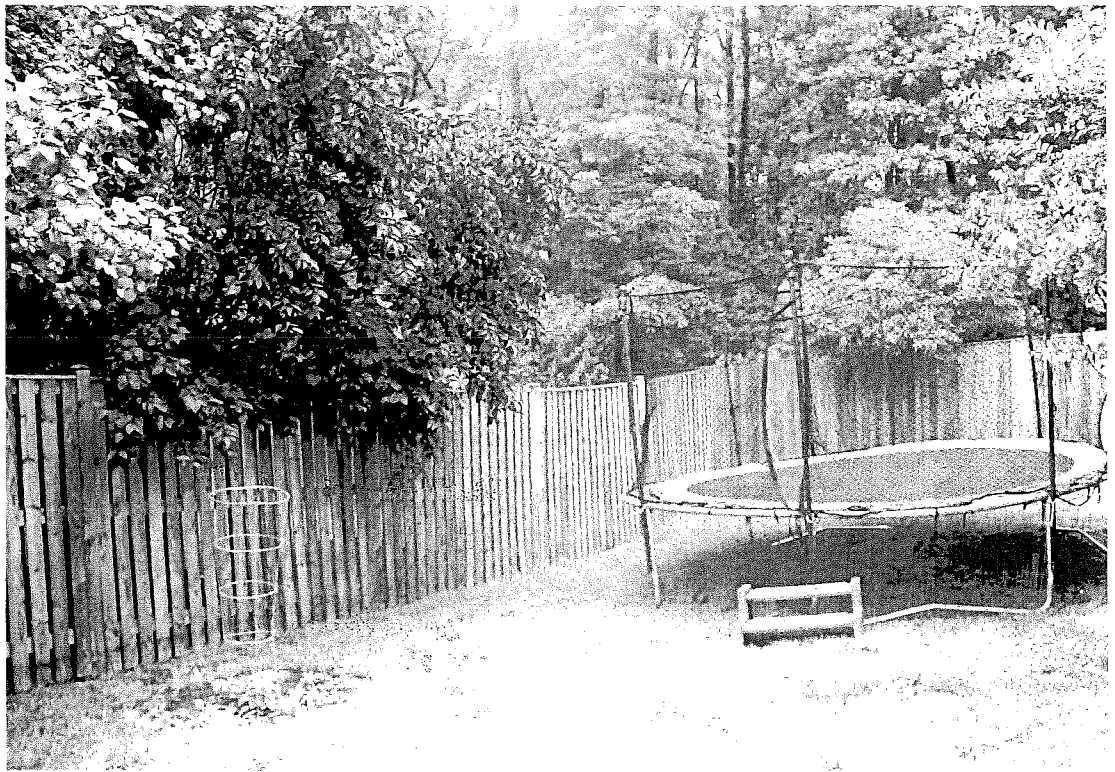


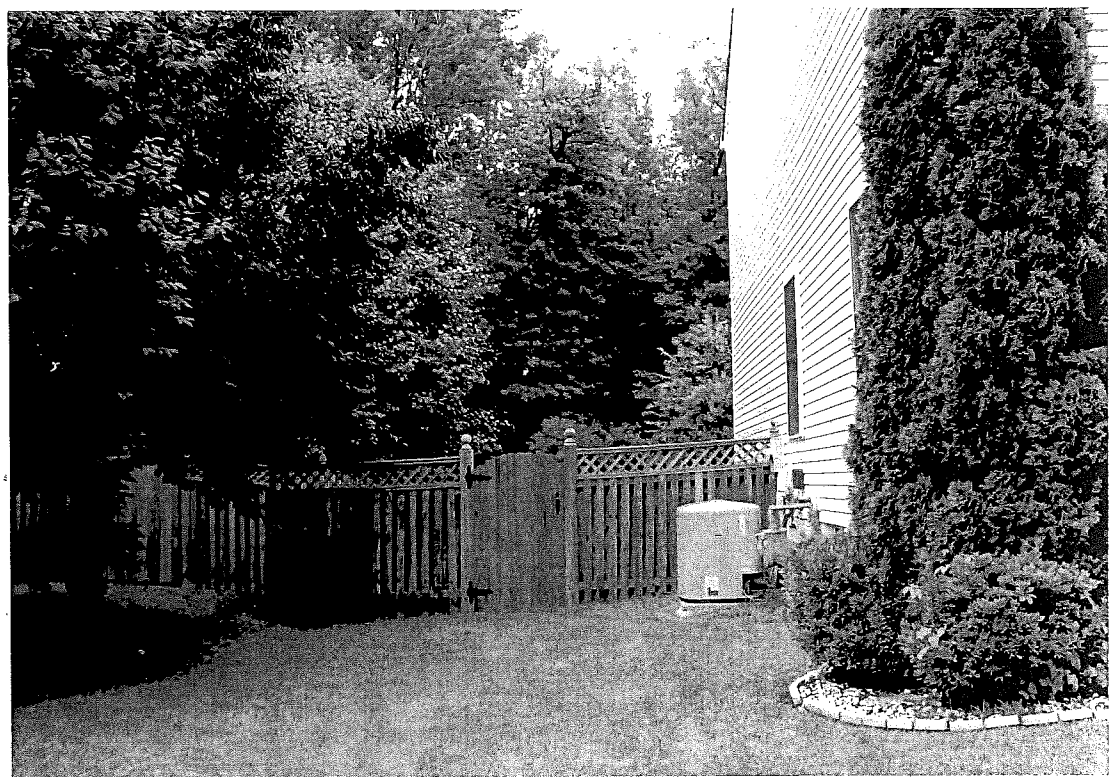


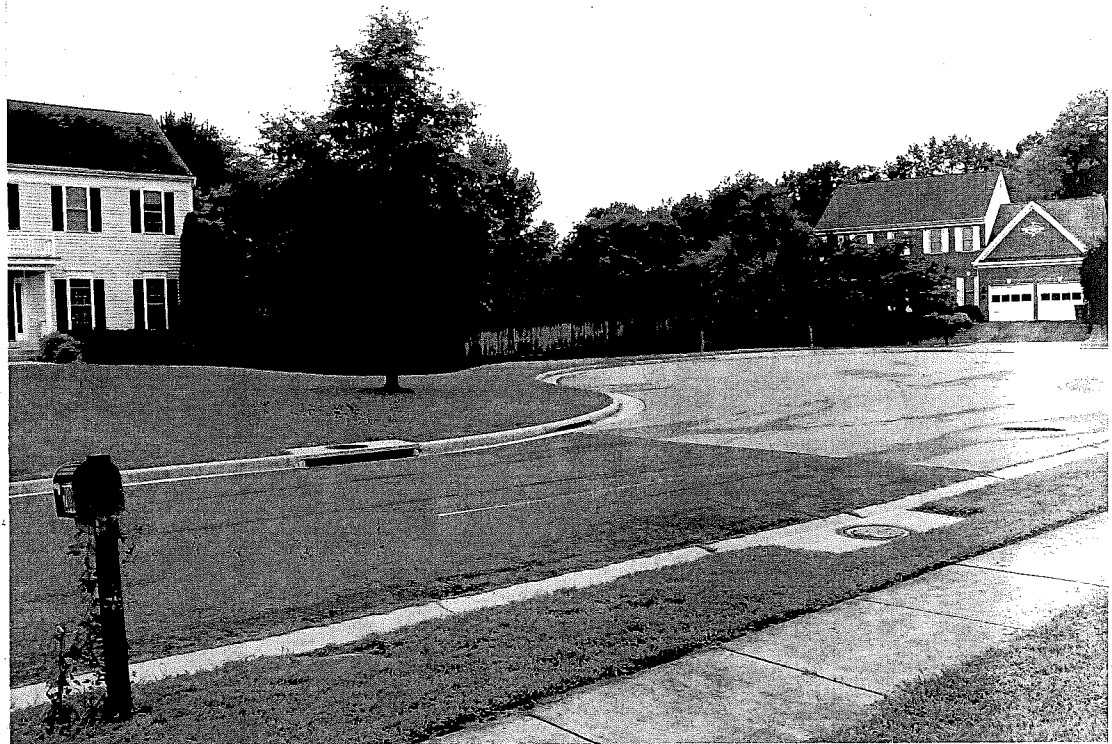
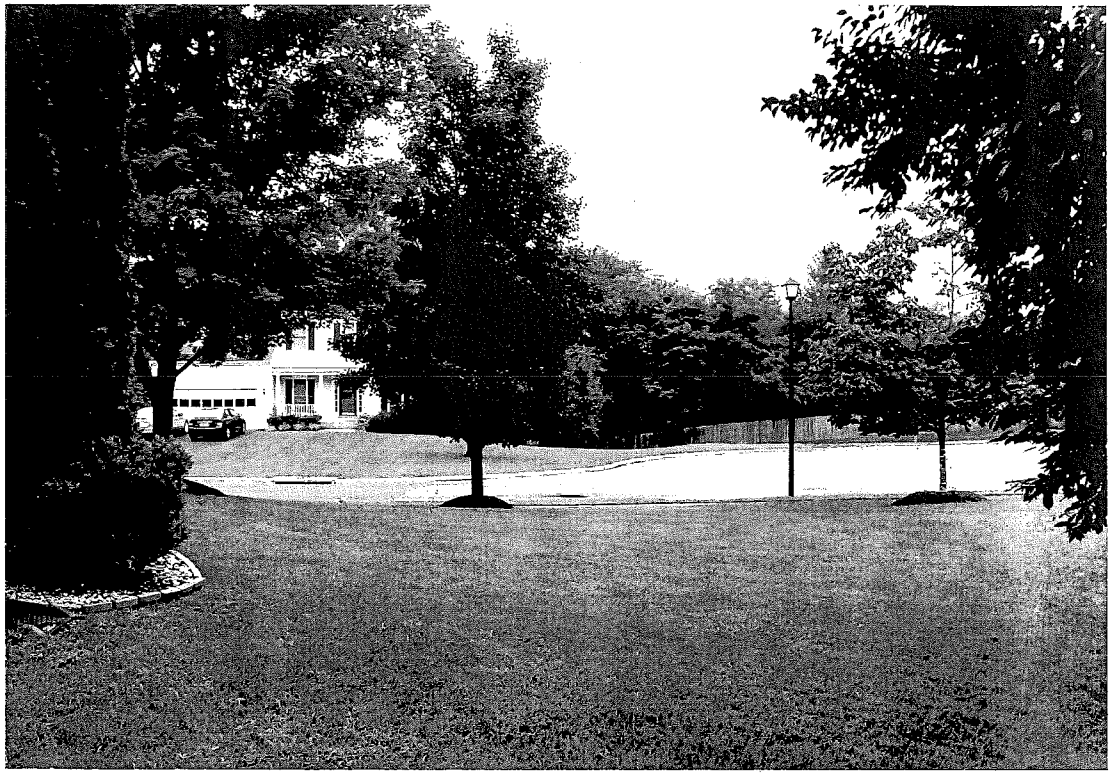


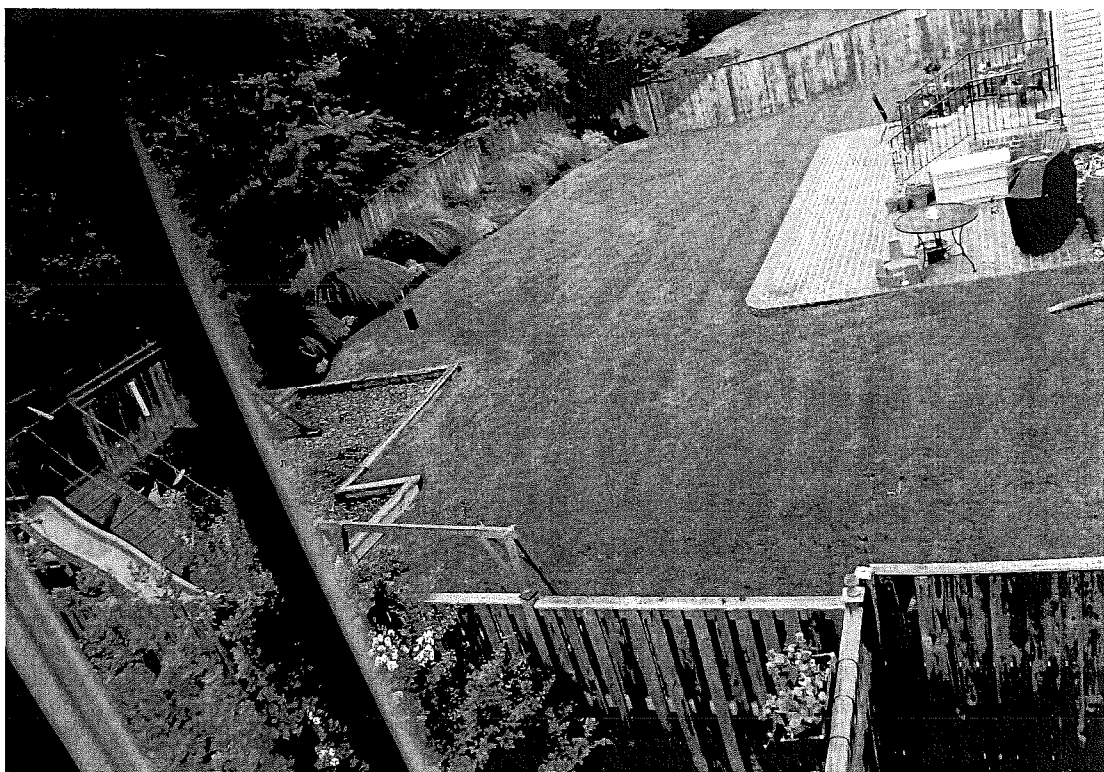




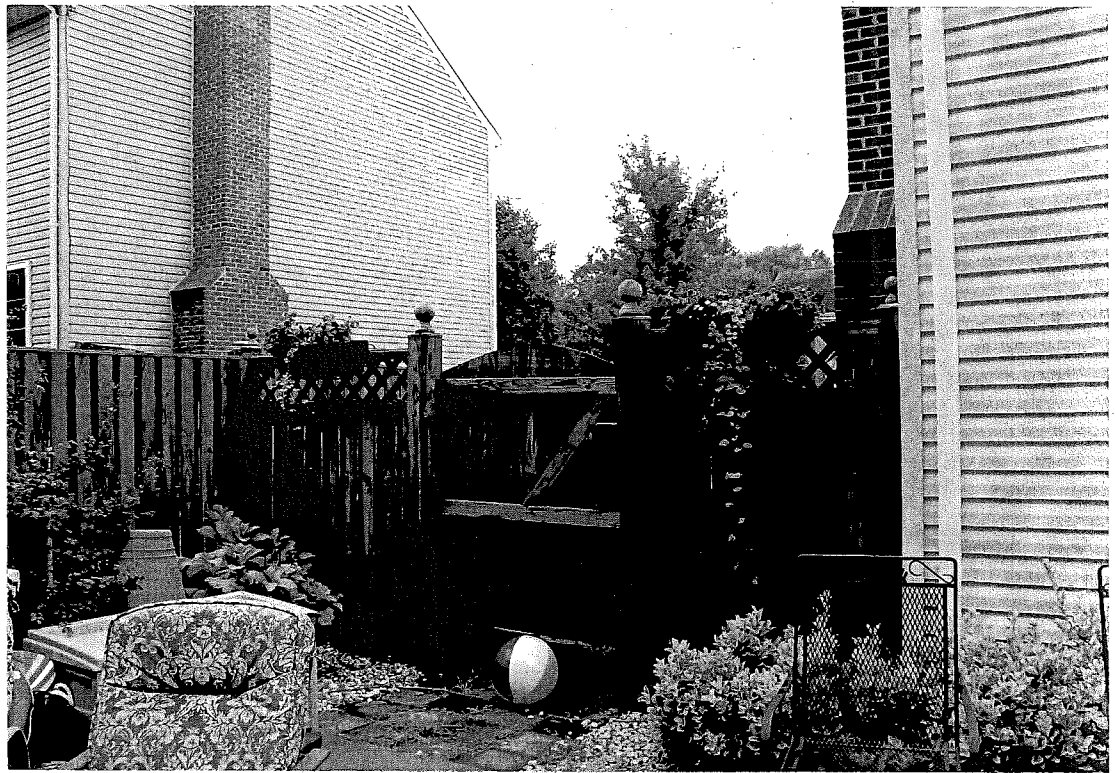


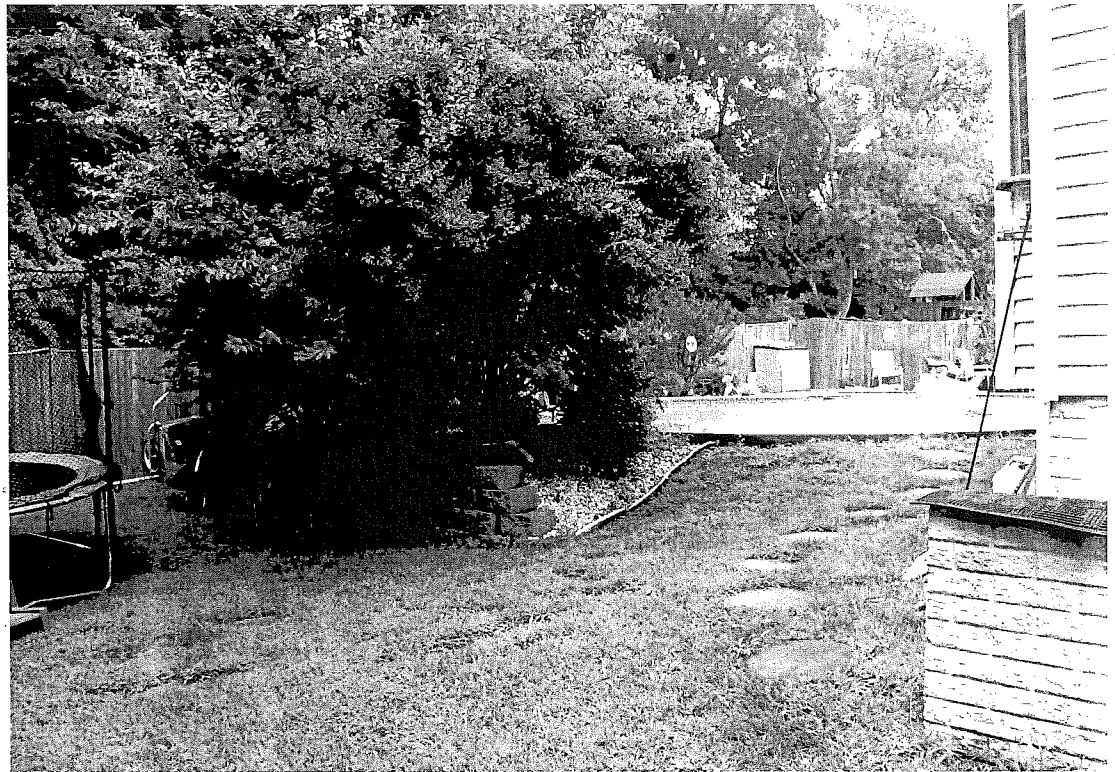




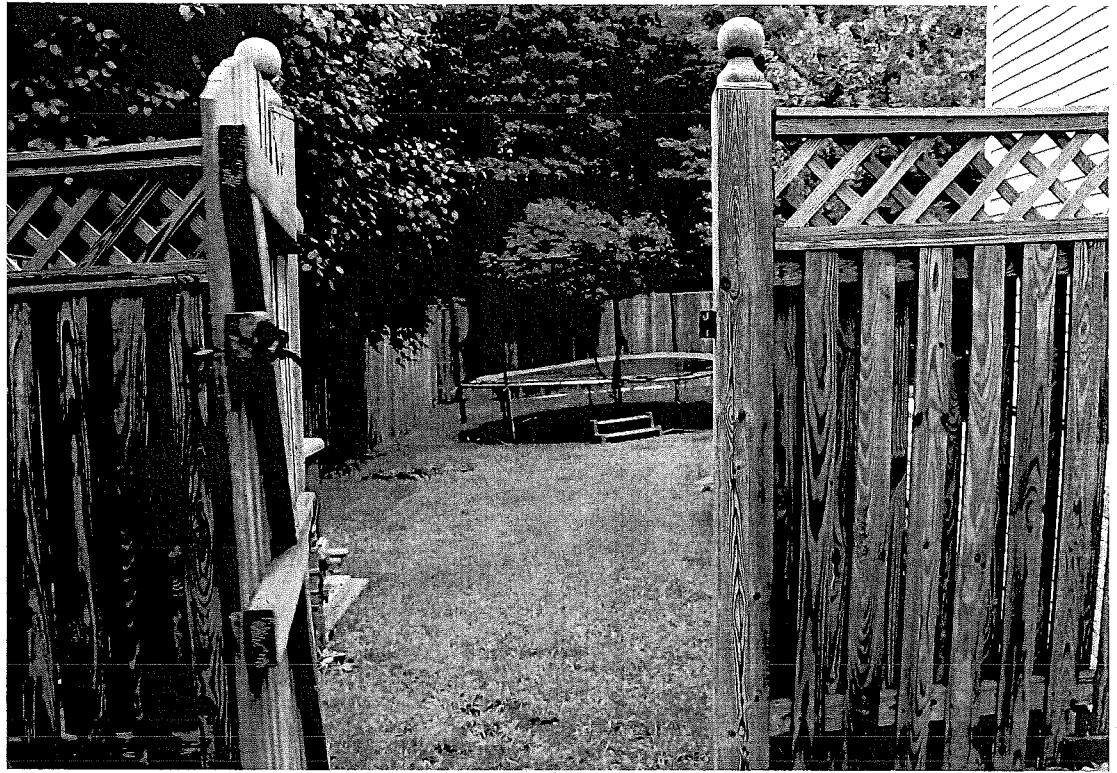


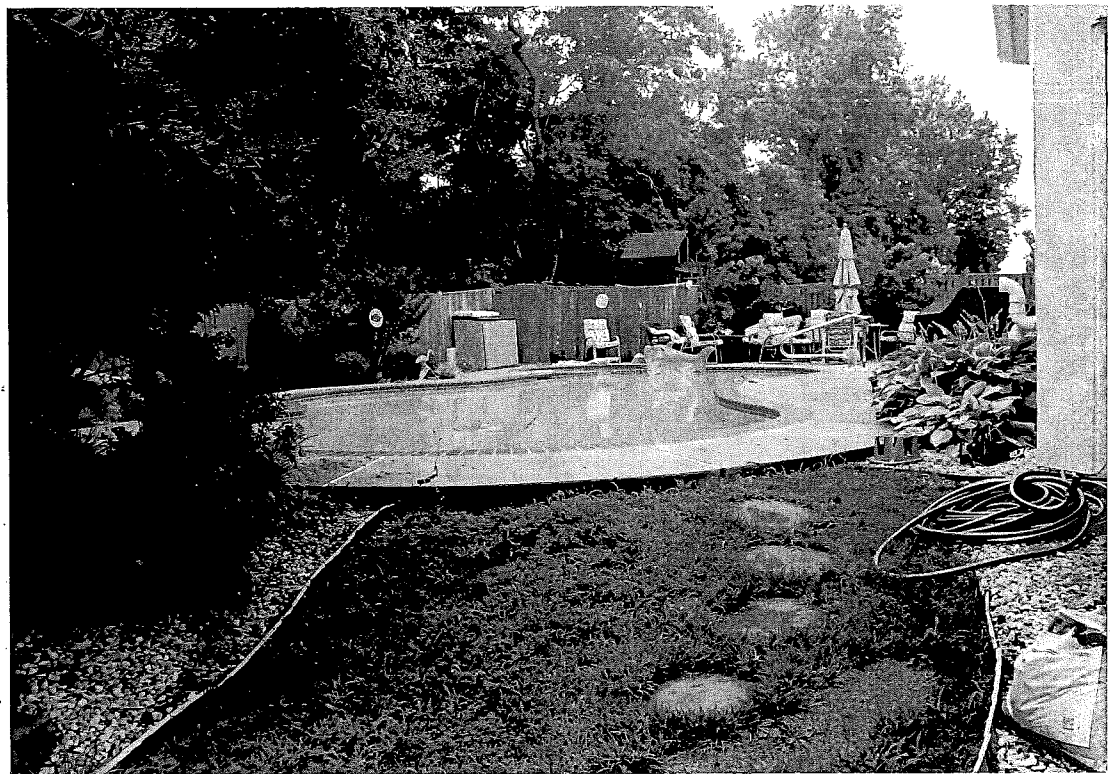
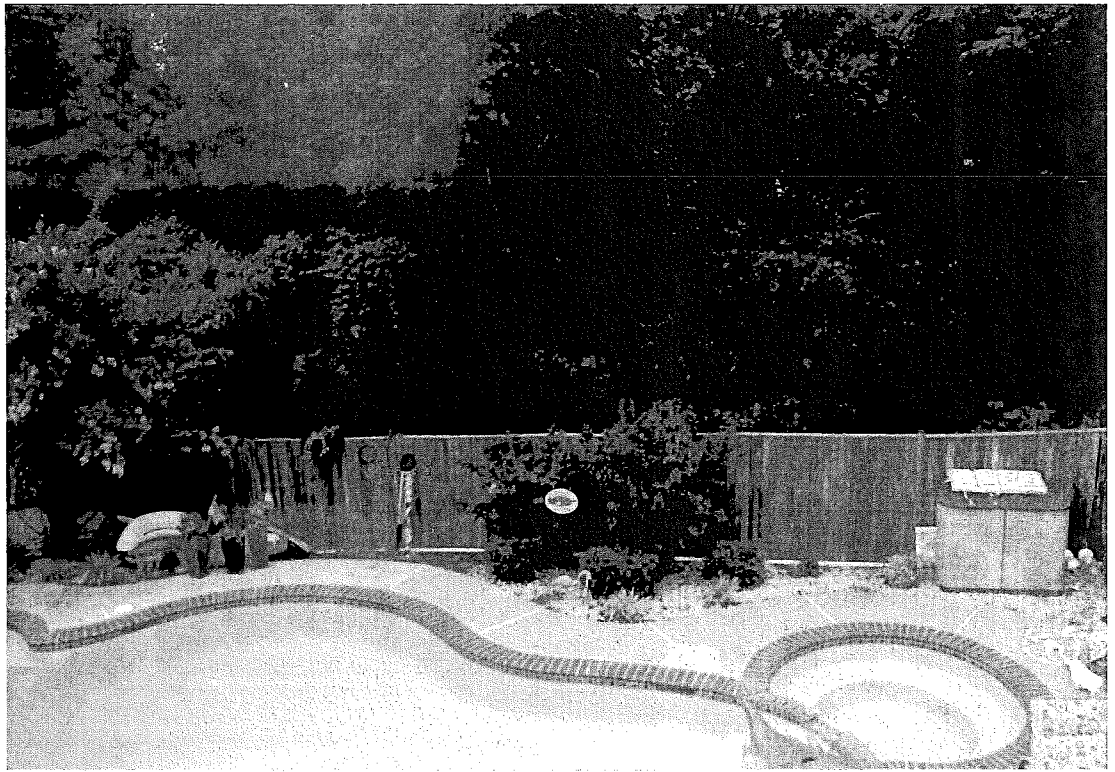


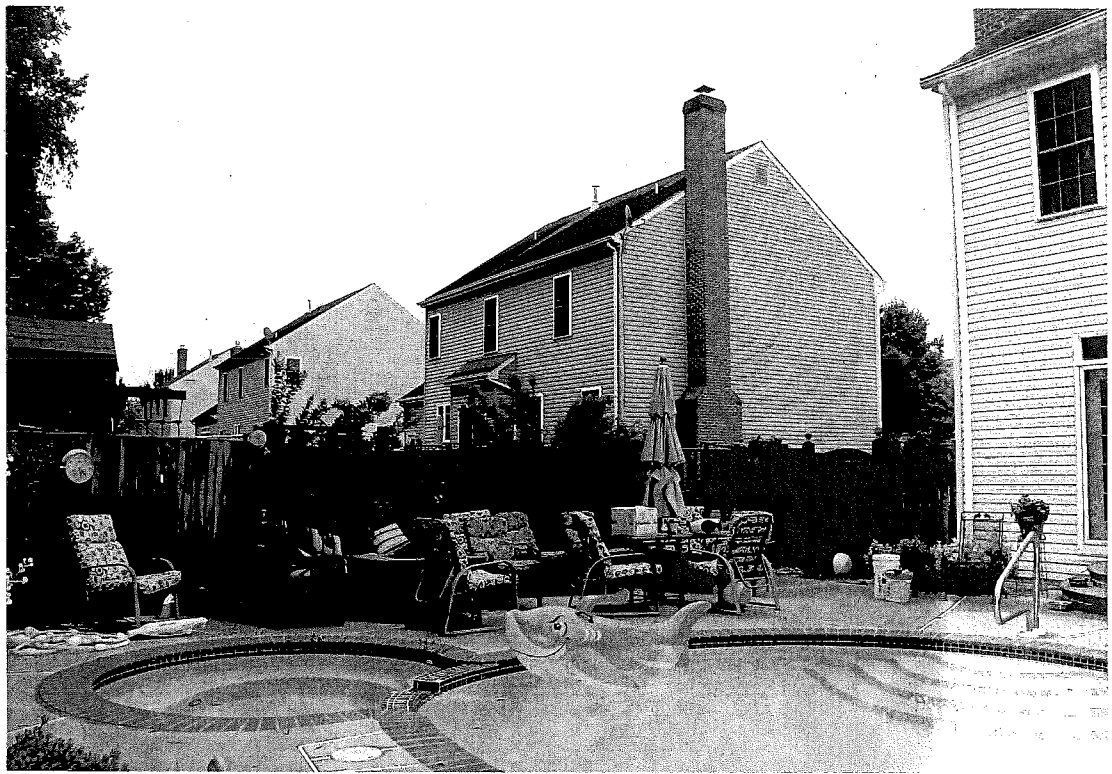








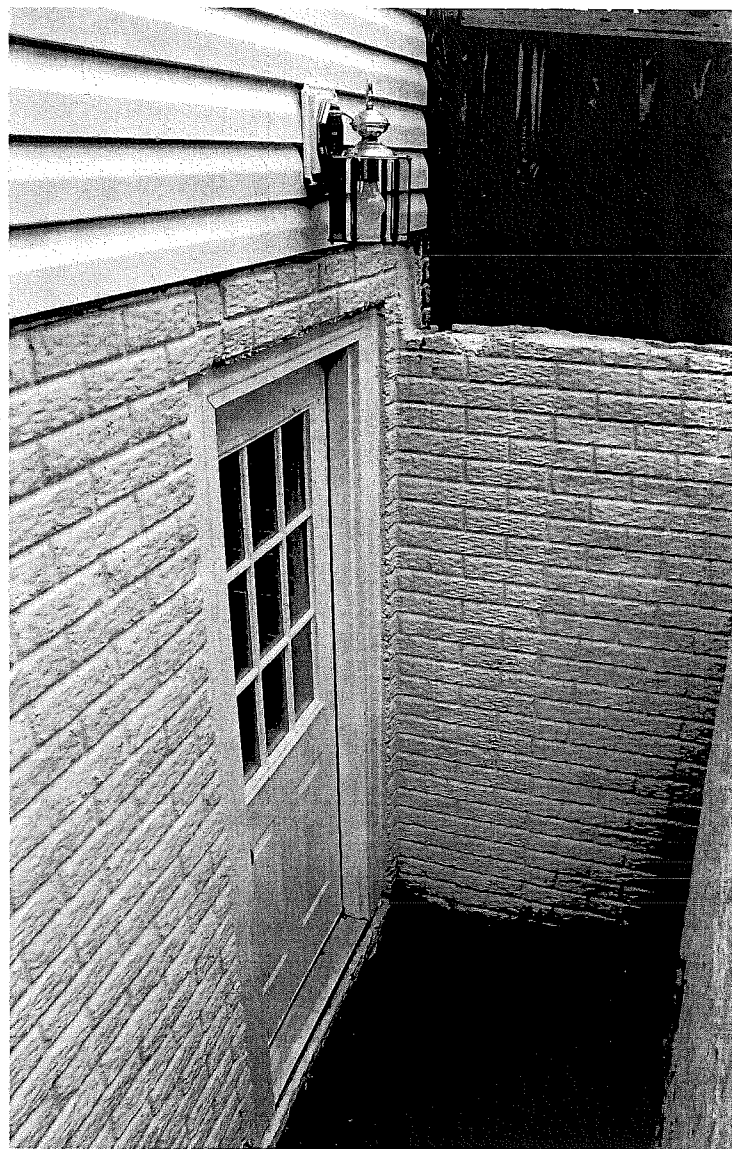














**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit an accessory dwelling unit within an existing single family detached dwelling.

**Size of Principal Dwelling:** 3,095 square feet

**Size of Accessory Dwelling Unit:** 874 square feet (28%)

**Lot Size:** 10,935 square feet

**LOCATION AND CHARACTER OF THE AREA**

The application property is located at 2806 Holland Court, which is on a cul-de-sac located within the Holland Court subdivision. The 10,935 square foot site is developed with a single family detached two-story dwelling, with a walk-up cellar, built in 1999. An existing hard surfaced driveway is accessed from Holland Court and terminates along the southern side of the dwelling at a two car garage. There is a sidewalk extending from the driveway to the front of the dwelling.

The accessory dwelling unit is accessed through the front door of the house or at a walk-up door that enters directly into the bedroom of the accessory dwelling unit in the cellar. Inlaid stones connect the rear entrance to the front yard. An existing concrete walk/pool deck is located at the rear of the dwelling along an in-ground pool; a wood fence encloses a portion of the backyard, connecting to the house.

The impervious area in the rear yard exceeds the maximum 30%. A vested rights determination was made and the existing pool and decking may remain. The vested rights determination is attached as Appendix 4 to this report.

There is an existing trampoline in the backyard shown in the photographs. It appears to not meet setback requirements but is not shown on the special permit plat; therefore a development condition is included to address the trampoline.

The lot slopes from the front to the back slightly. There are many existing shrubs and several trees located along the foundation and throughout the yard.

**Surrounding Area Description**

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-3
South	Single Family Detached Dwellings	R-3
East	Single Family Detached Dwellings	R-3
West	Single Family Detached Dwellings	R-3

**BACKGROUND**

The area was zoned R-3, approved by the Board of Supervisors and is not subject to proffers. The house was built in 1999.

Records indicate there were no other applications for accessory dwelling units filed or approved for properties in the vicinity of the application site heard by the BZA.

**ANALYSIS****Special Permit Plat (Copy at front of staff report)**

**Title of SP Plat:** Special Permit Plat, Lot 4, Holland Court Subdivision

**Prepared By:** Scartz Surveys

**Dated:** September 12, 2011, revised through November 16, 2011, as signed and sealed by Larry N. Scartz, Land Surveyor

**Proposed Use**

The property owner proposes to establish a new accessory dwelling unit in the basement of the existing two-story single family detached dwelling. The applicant's parents, currently living in the main dwelling unit, plan to relocate to the basement and live with the applicant. The applicant's parents are over the age of 55, not disabled, and drive one car. The applicant has a valid building permit to finish the basement, excluding the kitchen. The applicant would like to build a kitchen in the basement for the accessory dwelling unit. An attached floor plan shows how the basement space will be divided and used. There is an existing storage room in the basement area which is presently used by the applicant. This space is proposed to remain in use by the occupants of the principal dwelling and is not intended for the sole use of the accessory dwelling unit. The existing two-story dwelling consists of approximately 3,095 square

feet, and proposes the accessory dwelling unit to be 874 square feet, or 28% of the GFA of the structure. As shown on the floor plan, the unit consists of one bedroom, a bathroom, a kitchen and living spaces. Both the principal and accessory dwelling units will be occupied by family members.

The site can accommodate up to two vehicles within the existing garage and at least two in the driveway. There are no proposed exterior site modifications with this application.

## **ZONING ORDINANCE PROVISIONS**

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3 Zoning District.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (See Appendix 4)**

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

### **Summary of Zoning Ordinance Provisions**

This special permit is subject to Sects. 8-006, 8-903 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-PR-080 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals

## **APPENDICES**

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Vested Right Determination
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****February 8, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-103 located at Tax Map 102-1 ((43)) 0004 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Susan P and William M. Deller, and is not transferable without further action of this Board, and is for the location indicated on the application, 2806 Holland Court, (10,935 square feet), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Scartz Surveys., dated September 12, 2011, revised through November 16, 2011, as signed and sealed by Larry N. Scartz, Land Surveyor, and approved with this application, as qualified by these development conditions.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 874 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

7. All applicable building permits and final inspections shall be obtained for the construction, including kitchen, in the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site as shown on the special permit plat.
12. All play equipment shall be subject to the use limitations of Sect. 10-103 of the Zoning Ordinance.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



## DELLER RESIDENCE FINISHED BASEMENT

2806 HOLLAND COURT  
DESIGNED UNDER THE 2006 VRC

DESIGNER: JOHN R. PORT  
OCCUPATION: ELECTRONICS ENGINEER (RETIRED)

## APPENDIX 2

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be)

### SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 2, 2011  
(enter date affidavit is notarized)

I, Susan P. Deller, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

112943

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Susan P. Deller	2806 Holland Court Alexandria, VA 22306	Applicant/Title Owner
William M. Deller	(same)	Applicant/Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 2, 2011  
(enter date affidavit is notarized)

112943

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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112943

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 2, 2011  
(enter date affidavit is notarized)

112943

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 2, 2011  
(enter date affidavit is notarized)

112943

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on line below.)

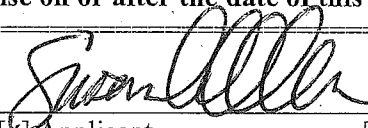
NONE

(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



(check one)

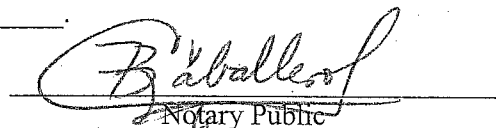
☒ Applicant

☐ Applicant's Authorized Agent

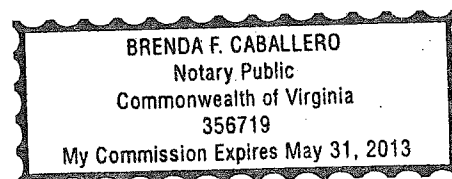
SUSAN P. DELLER

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of November, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

  
Notary Public

My commission expires: May 31, 2013







## APPENDIX 3

ZONING EVALUATION DIVISION

**Susan P. Deller**

2806 Holland Court, Alexandria, VA 22306 (Home: 703-799-5349 & Cell: 267-767-0157)

November 28, 2011

TO: County of Fairfax

SUBJECT: Our written **Statement of Justification** ... for pending Application for Special Permit # SP-2011-0231

As part of the application process for a Special Permit for an Accessory Dwelling Unit at the above noted property address, and in accordance with the Fairfax County Zoning Ordinance #8-918, we 'd like to address all 13 conditions/items as follows:

- 1) We currently reside in a single family dwelling unit and we are requesting to add one (1) accessory dwelling unit in the basement of our single family home. Also, according to Zoning Administration by letter dated 11/1/2011, we have Vested Rights for the existing swimming pool and decking that was installed by the previous homeowner.
- 2) The accessory dwelling unit we are requesting will be in our basement and shall be located within our single family dwelling unit. There is an external separate entrance to this basement on the left (West side) of our house.
- 3) The gross floor area of our house is 2,654 SF, plus an additional gross floor area of the garage is 441 SF, which is a TOTAL Gross Floor Area of House (NOT including the accessory dwelling area) at: 3,095 SF. This would allow 874 SF to place the accessory dwelling unit for our parents.

We have submitted a rendering of our basement area showing the placement of the proposed 1 bedroom accessory dwelling unit (Note: the storage room & utility room on this drawing depict 453 SF of gross floor area of basement that will still be used by us, along with the principal dwelling unit.) Taking the 874 SF of proposed accessory dwelling unit space and dividing it by the gross floor area, we calculate it to be 28% of the total gross floor area of our principal dwelling unit and under the 35% maximum requirement.

- 4) Our accessory dwelling unit will only have one (1) bedroom.
- 5) The occupancy of our accessory dwelling unit shall be as follows:
  - A. The main dwelling unit shall be occupied by William & Susan Deller (the owner's of this property) and our three children.
  - B. The accessory dwelling unit that we wish to create in our basement will be occupied by Susan Deller's parents, Mr. & Mrs. John and Mary Ann Port.

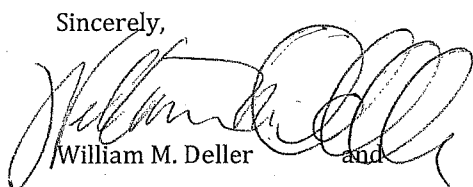

- (1) Mr. & Mrs. John and Mary Ann Port **are elderly** (John is 80 and Mary Ann is 78) and they are currently in good health and not disabled.
  - C. The accessory dwelling unit will be occupied by only these 2 elderly parents who are related by blood to Susan.

- 6) Our accessory dwelling unit will not be occupied by anyone who is disabled, but we do intend to make modifications necessary to allow uninterrupted access to one (1) entrance, and accessibility and usability of one (1) toilet room, as well as making doorways a 36" width.
- 7) Parking should not be a problem. We currently have a driveway that can easily accommodate 4 vehicles, and should we need to park a 5<sup>th</sup> vehicle there is ample curbside parking. Susan's parent's only own one car, and only her father still drives (John, age 80) and it is questionable as to how much longer John intends to continue to drive on his own.
- 8) Establishing our accessory dwelling unit will only change the interior of our basement and allow Susan Deller's elderly parents to reside comfortably with her, and by no means will this change or disrupt the predominant character of the neighborhood.
- 9) We shall certainly meet the applicable regulations for building, safety, health and sanitation. Likewise, we will insure that any/all contractors performing the renovation work in this basement file and obtain any/all proper building permits required by Fairfax County.
- 10) We understand, that upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County. A copy of the BZA's approval, including all accompanying conditions.
- 11) William and Susan Deller, as owner's of this property will allow inspections of the property by County personnel during reasonable hours upon prior notice,
- 12) We also understand that Special Permits for accessory dwelling units are approved for a period not to exceed five (5) years from the date of approval, and that such special permits may be extended for succeeding five (5) year periods in accordance with Fairfax BZA.
- 13) N/A.

In summary, our basement is currently finished but upon approval of the County of Fairfax Special Permit for this Accessory Dwelling Unit, we intend to complete renovations to this basement area to insure it is comfortable for Susan's parents. We plan to make improvements to our interior basement area including the installation of one bedroom & closet, living room area, updating the existing bathroom to a stall shower in place of the existing bathtub, installation of a full electric kitchen, and improvements to the walls/ceiling/lighting/insulation, and expanding their entrance/egress door to a 36" width. All of this work would be completed by a licensed, certified contractor who would obtain all necessary building permits to complete this work.

Thank you, in advance, for your prompt approval of this request. Please feel free to contact me with any questions.

Sincerely,

   
William M. Deller and Susan P. Deller



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	102-1 ((43)) 4
Property Address:	2806 Holland Court
Requestor's Name:	Susan and William Deller
Requestors Address: (if different than above)	same
Requestor's Phone Number:	703-799-5349
Current Zoning:	R-3
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Holland Court, Lot 4

### Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The property is zoned R-3, and is developed with a single family detached dwelling. A pool and associated decking are located in the rear yard, and the coverage of the minimum required rear yard exceeds the maximum of 30%. A building permit was issued for the pool and deck and final inspection approval was received.

### Background Summary (check all that are applicable):

- ☒ A Building Permit has been issued for the pool and pool deck.
- ☒ A Building Permit was not located for the structure(s).
- ☒ A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- ☐ Department of Tax Administration records indicate that the structure(s) have been taxed for at least 15 years.
- ☐ Department of Tax Administration records do not indicate that the structure(s) has been taxed as such for at least 15 years.

**Staff Determination:**



§15.2-2307 of the Code of Virginia is applicable and the structure(s) may remain. The structure(s) may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.

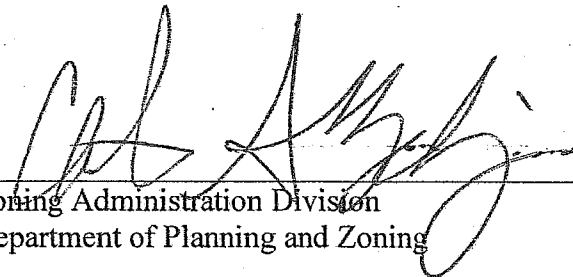


§15.2-2307 of the Code of Virginia is applicable for the structure and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.



§15.2-2307 of the Code of Virginia is not applicable. A separate letter explaining the status of the structure(s) will be issued.

Reviewer's Signature:

  
Zoning Administration Division  
Department of Planning and Zoning

Date:

11/1/11

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA  
Eileen M. McLane, Zoning Administrator  
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch  
Virginia Ruffner, Applications Acceptance, Zoning Evaluation Division  
William M. and Susan P. Deller, 2806 Holland Court, Alexandria, Virginia 22306  
(property owner)

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.



**8-903 Standards For All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

**8-918 Additional Standards for Accessory Dwelling Units**

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
  - A. One of the dwelling units shall be owner occupied.
  - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
    - (1) Any person fifty-five (55) years of age or over and/or
    - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad

Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
  - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
  - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
  - A. Uninterrupted access to one (1) entrance; and
  - B. Accessibility and usability of one (1) toilet room.
- 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is

insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.